

21.11.2022
Ct. 5
D/L 27
ab

WPA 22975 of 2022
Sanjay Kumar Sharma
-Vs-
State of West Bengal & Ors.

Mr. Ranojoy Chatterjee
... for the petitioner

Mr. Partha Sarathi Bhattacharya,
Mr. Agniswar Chowdhury,
... for the respondent nos. 2 & 3

Mr. Sk. Md. Galib,
Mr. Gourav Das
... for the State

The affidavit of service is taken on record.

The writ petition is speculative in nature. The petitioner, who claims to be a contesting candidate in the Malda Bar Association Elections, seeks an injunction restraining the Malda Bar Association from appointing the respondent no. 3 as the Election Commissioner/Returning Officer in the election. The ground taken is that the respondent no. 3 has a marked political allegiance and would hence not be a proper person to stand as Election Commissioner/Returning Officer. The other ground taken is that the respondent no. 3 is not an advocate.

Learned counsel appearing for the petitioner is, however, unable to show any infraction of the governing

Rules by the respondent no. 3, which would persuade the Court to intervene in the matter.

It is admitted that by a writ petition filed by the present petitioner, this Court had disposed of an earlier writ petition being *WPA 12042 of 2022 (Sanjay Kumar Sharma Vs. State of West Bengal & Ors.)* on 14th July, 2022 by directing the General Body of the Malda Bar Association to hold the elections within eight weeks from date. The fact that the elections had not been held after 15th February, 2020 was noted in the order. The Malda Bar Association unsuccessfully challenged the order before the Division with a prayer that it would not be convenient for the elections to be scheduled in September, 2022.

Since the elections have now been scheduled on 24th November, 2022 together with the fact that holding of elections had previously been prayed for by the same petitioner, this Court is not inclined to interfere with the schedule of holding elections. Besides, political affiliation alone cannot be a disqualification for an Election Commissioner/Returning Officer and the Rules also do not provide for any debarment on such ground.

WPA 22975 of 2022 is dismissed with the above reasons and without any order as to costs.

(Moushumi Bhattacharya, J.)